

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

CASTEL, U.S.D.J.

The Court held a pretrial conference today on the coordination of discovery in this MDL with a similar action brought by different plaintiffs before Judge Brinkema in the Eastern District of Virginia. United States v Google LLC, 23 cv 108 (E.D. Va.) (the “E.D. Va. Action”). The Court notes with gratitude the efforts of Magistrate Judge Anderson of the Eastern District of Virginia in resolving certain issues relating to the draft Coordination Order.

The revised draft, following Magistrate Judge Anderson’s rulings, has gained the assent of the parties to the E.D. Va. Action. The Court has considered the oral presentations and written submissions of the parties to the MDL relating to the draft Coordination Order. Pursuant to the authority of Rule 16(a)(1), (a)(3), (b)(3)(B)(ii), (c)(2)(F), (L) & (P), Fed. R. Civ. P., the Court is prepared to enter the draft Coordination Order in the MDL (with two minor changes) and will await delivery of a final execution copy.¹

There are additional provisions relevant to coordination that relate solely to the MDL actions and, thus, are set forth in this Order.

1. For good cause shown, the Court may allow parties to the MDL to examine witnesses for additional time beyond the limit set forth in in the Coordination Order or

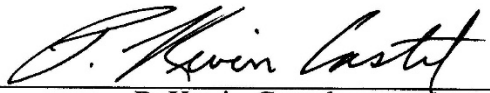
¹ The two minor changes are as follows: first, as agreed, there should be a period after “at trial.” in the last sentence of paragraph 3(f), with the balance of the sentence stricken, and, second, the undersigned proposes to change the time for Meta to make certain discovery available in the event the NBA Stay is lifted from “three (3) days” to “seven (7) days.”

any prior Order of this Court if a party produces documents after the deadline for substantial completion of document production and the belated production has meaningfully impacted the deposition of the witness. To avoid interfering with the timely proceeding of discovery in the E.D. Va. Action, any such extended examination will occur after the conclusion of fact discovery in the E.D. Va. Action.

2. The Court does not presently anticipate lifting the stay of discovery relating to the Network Bidding Agreement (“NBA”). But if the stay is lifted, the Court acknowledges the right of parties to the MDL to conduct discovery relating to the NBA and will enter appropriate Orders at that time.

3. All depositions of MDL plaintiffs are stayed until the conclusion of fact discovery in the E.D. Va. Action.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
May 16, 2023